

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PATRICK BRADY, et al.,

Plaintiffs,

v.

AIR LINE PILOTS
ASSOCIATION,
INTERNATIONAL,

Defendant.

Civil Action No. 02-2917 (JEI)

DECLARATION OF DANIEL J. TOAL

Daniel J. Toal declares:

1. I am a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for defendant Air Line Pilots Association, International (“ALPA”) in the above-captioned case. I respectfully submit this declaration in support of ALPA’s Memorandum of Law in Opposition to Plaintiffs’ Motion to Bar or Limit Expert Opinion Testimony.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Jury Verdict in the liability phase of this case, dated July 13, 2011 and filed at Docket No. 413 in this action.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the Jury Charge in the liability phase of this case, dated July 13, 2011 and filed at Docket No. 411 in this action.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the July 12, 2011 transcript of the liability trial in this action.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the deposition transcript of Rikk Salamat, dated January 29, 2013.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the deposition transcript of Rikk Salamat, dated January 30, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the deposition transcript of Rikk Salamat, dated January 31, 2013.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the deposition transcript of Dr. Henry Farber, dated January 22, 2013.

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the deposition transcript of Dr. Henry Farber, dated January 23, 2013.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the decision in the arbitration between Republic Airline/Chautauqua Airlines/Shuttle America; Frontier Airlines; Midwest Airlines; Lynx Aviation; and Republic Airways Holdings, Inc., dated February 19, 2011.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the decision in the arbitration between The Pilots of Northwest Airlines and The Former Pilots of Republic Airlines, dated November 6, 1989.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts of the decision in the arbitration between Flying Tiger Lines, Inc. and Seaboard World Airlines, Inc., dated March 16, 1981.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the arbitration decision in the matter of The Seniority Integration of Continental Airlines and Former Frontier Airline Pilots, dated June 15, 1987.

14. Attached hereto as Exhibit 13 is a true and correct copy of a letter from Edwin White to Michael Day, dated July 18, 2001.

15. Attached hereto as Exhibit 14 is a true and correct copy of a letter from Michael Day to Edwin White, dated August 17, 2001.

16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the American/TWA Pilot Seniority Integration: Summary of Supplement CC from the APA's Mergers & Acquisitions Committee, dated December 14, 2001.

17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of the Agreement between American and the APA, effective May 5, 1997.

18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the deposition transcript of John Darrah, dated November 29, 2012.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts of the deposition transcript of Michael Day, dated May 2, 2013.

20. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of the deposition transcript of Michael Levine, dated April 19, 2013.

21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts of the deposition transcript of James Feltman, dated April 11, 2013.

22. Attached hereto as Exhibit 21 is a true and correct copy of the expert report of Dr. Kevin Murphy on behalf of ALPA, dated June 7, 2013.

23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts of the deposition transcript of Dr. Kevin Murphy, dated July 23, 2013.

24. Attached hereto as Exhibit 23 is a true and correct copy of excerpts of the June 9, 2011 transcript of the liability trial in this action.

25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts of the deposition transcript of William Compton, dated January 18, 2013.

26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts of the deposition transcript of Michael Palumbo, dated January 21, 2013.

27. I declare under penalty of perjury, pursuant to 28 U.S.C.
§ 1746, that the foregoing is true and correct.

Dated: New York, New York
September 30, 2013



(Daniel J. Toal)